

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

DARRON GRIGSBY	§	
v.	§	CIVIL ACTION NO. 6:09cv12
DR. KEN KUYKENDALL, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE
ON PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

The Plaintiff Darron Grigsby filed this civil rights lawsuit complaining of alleged deprivations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Grigsby has filed a motion seeking injunctive relief, asking that the Court issue an injunction barring further denial of medical treatment and to prevent any retaliatory actions. These same requests for relief appear in Grigsby's original complaint.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the request for injunctive relief be denied. The Magistrate Judge noted that preliminary injunctions and temporary restraining orders are not intended as a substitute for relief on the merits of the case and that an evidentiary hearing would be scheduled on Grigsby's complaint, and so recommended that relief be denied. Grigsby filed objections to the Report stating that a temporary restraining order should be granted because he faces imminent harm, apparently through the alleged denial of medical care. He goes on to state that he has been seen by unit medical providers and has gone to the infirmary "a number of times," indicating that he has not been denied access to medical care; rather, Grigsby apparently wants the Court to order that he be provided with the medical care which he

believes is most appropriate and effective. He has not shown that the Magistrate Judge's Report is in error, and his objections are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the Plaintiff's motion for injunctive relief, the Report of the Magistrate Judge, and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for a preliminary injunction and temporary restraining order (docket no. 9) is hereby DENIED.

So ORDERED and SIGNED this 23rd day of September, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**